

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Eastern and Coastal Kent Primary Care Trust

Trust Headquarters
Brook House
John Wilson Business Park
Chestfield
Whitstable
Kent
CT5 3QT

I, Ann Sutton, Chief Executive, of Eastern and Coastal Kent Primary Care Trust for and on behalf of Eastern and Coastal Primary Care Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Eastern and Coastal Kent Primary Care Trust is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by Eastern and Coastal Kent Primary Care Trust and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") was provided with a report by the data controller informing that a filing cabinet containing personal data had been sent to landfill during a move of office premises. The filing cabinet contained a CD holding the address, date of birth, NHS number and GP practice code of approximately 1.6 million individuals.
3. When planning the office move the security of the CD was considered and it was deemed appropriate to store it in the filing cabinet concerned. Although communication was established with the Project Manager co-ordinating the move, the existence of the CD was not communicated leading to the disposal of the filing cabinet. It was also found that the team

concerned were not up to date with their Information Governance training and had not accessed relevant guidance on how to dispose of the CD. The data controller did take steps to attempt to retrieve the filing cabinet once discovered missing, however the cabinet had already gone to landfill and was unable to be recovered. It has been noted that the data controller has taken substantial remedial measures to prevent the reoccurrence of such an incident.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act.
5. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

1. Clear policies and procedures will be put in place to support staff when moving offices and these are communicated to all relevant staff in order to follow these procedures in all future cases;
2. The data controller shall ensure that the Information Governance training is provided to all relevant staff as necessary;
3. Information Governance training will ensure that staff are aware of the data controller's policy for the retention, storage and use of personal data and how to follow that policy correctly;
4. The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.....

Ann Sutton
Chief Executive
Eastern and Coastal Kent Primary Care Trust

Signed.....

Sally Anne Poole
Head of Enforcement
For and on behalf of the Information Commissioner